

Testimony of William C. Buhl, Retired Circuit Judge

House Judiciary Committee Hearing March 17, 2011

On SB 188 and SB 189

I testify from extensive experience - 6 years experience as a prosecutor, 14 as a district judge and 22 as a circuit judge, and I have been a member of the Professional Advisory Board to the Coalition for a Useful Registry from its inception.

It is imperative that you get it right with this legislation, for these reasons:

1. Constructive change for this type of law comes rarely. The possible loss of over \$1,000,000 is probably the only reason these changes may take place. For years the evils of our overly-broad Sex Offender Registration Act have been pointed out, and acknowledged at past House Judiciary Committee hearings. Nothing was done until the final deadline for legislation on the Adam Walsh Act loomed in our faces.
2. I know of no serious calculation of the fiscal impact of this legislation. I believe it will cost more than we gain from compliance. And for every person unnecessarily maintained on our overly-broad registry, we pay an unnecessary price. This includes arresting and processing registration violations. We must remove as many people as possible while we have this rare opportunity, to lessen the needless cost of implementation of these additional requirements.
3. Since overwhelming evidence has demonstrated that the onerous requirements of a public registry does great damage to the lives of registrants and their families (some victims actually being family members), and there is little or no evidence of the public protection benefits of the registry, as many non-dangerous people as possible should be removed from the registry.

The current versions of the bills do not give as much relief as the Adam Walsh Act would permit. The following should be areas of amendment:

- A. Allow automatic removal of Holmes Youthful Trainee registrants, and set-aside registrants, who have no conviction, or at least allow removal with a reasonable notice to prosecutors, when they don't object, and a hearing before a judge if they do, to determine risk of re-offending.
- B. Adopt the Federal requirements for registration of juveniles. Do not use the adult requirements.
- C. Do not publicly list a registrant's employer information.

- D. Do not re-register people who re-offend with a felony conviction, unless the new offense relates to criminal sexual conduct, or behavior that demonstrates that they pose a serious risk to commit criminal sexual conduct.
- E. Define “immediately” as 10 days and not 3 days. Has 10 days been a problem? Why invite more registration crimes that will cause people to be afraid to register, for fear of demonstrating a slight technical noncompliance that will result in a prosecution?

It’s time to do it right. An overly-broad registry is useless, expensive, and destroys the lives of those posing no danger to the public. If you fear these changes will not allow Michigan to be approved, ask! There is still time to ask the SMART office if it is going to fly. Why not ask?